

From Tom Zhu

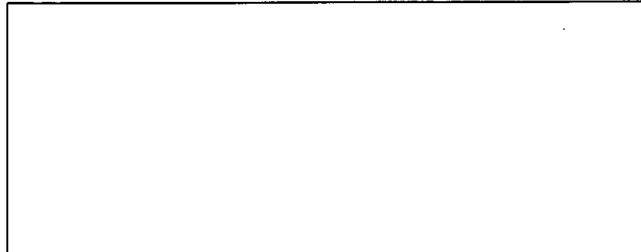
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From: Tom zhu (847)776-0315

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>11/27/2005</u>		Application Number <u>10/730,447</u>	Filed <u>12/8/2003</u>
Signature <u>Tom Zhu</u>		First Named Inventor <u>Tom Yuxin Zhu</u>	
Typed or printed name <u>Tom Yuxin Zhu</u>		Art Unit <u>3751</u>	Examiner <u>Robert M. Fetsuga</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the		<u>Tom Zhu</u> Signature	
<input checked="" type="checkbox"/>	applicant/inventor.	<u>Tom Yuxin Zhu</u> Typed or printed name	
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<u>847-776-0316</u> Telephone number	
<input type="checkbox"/>	attorney or agent of record. Registration number _____	<u>11/27/2005</u> Date	
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>3</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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I hereby certify that this correspondence (a total of four pages including this page) is being facsimile transmitted to USPTO at the fax number of 571-273-8300 on November 27, 2005.

Tom Yuxin Zhu

Name



Signature

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT: Tom Yuxin Zhu
APPLICATION No.: 10/730,447
FILING DATE: December 8, 2003
TITLE: SPLASH-PREVENTION PAPER

Group Art Unit: 3751
Examiner: Robert M. Fetsuga

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Final Office Action dated August 29, 2005, and to request a Pre-appeal Brief request review.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tom Zhu", written in a cursive style.

Tom Yuxin Zhu

REMARKS

1. The examiner's rejection in the OA Section 4, page 4 is incorrect.

As the applicant had already explained in the response to the previous OA dated on 2/22/2005, on section 4, page 5:

"The present invention is different from Menter's invention in both principle and structure.

Menter's invention does not have the floating arms of the present invention. Menter's invention has only the slits. The function of the slits is to "allow the rapid passage of excreta" (col. 2, lns. 35, 36), while, the floating arms of the present invention is to prevent the "rapid passage of excreta" by damper of the impact of the falling feces. The principle of the present invention is just the opposite of that of the Menter's.

Slits are the openings purposely created, while present invention provides substantially complete coverage, and openings are not desirable. The material left between the slits of the Menter's have two ends fixed, and can not move as the floating arm of the present invention, and therefore do not have the functions that the floating arms of the present invention have."

Besides the differences in function, structure, and principle between the arms of the present invention and Menter's device as explained above, the common terminology of the language for arm means an object that has one fixed end and one movable end. In Menter's device, the material left between cuts has both ends fixed, which can not be called arms. Therefore, the applicant does not see any reason to say that Menter's device has arms. Therefore, the examiner's disagreement on "Menter's invention does not have the floating arms of the present invention" was incorrect.

It was also incorrect that the examiner wrote "The Menter splash prevention device is a buoyant sheet of paper having a series of cuts that define arms which

allow the passage of waste and prevent splashing. This disclosure in Menter”(Ins 15 -19 of the OA). This was not Menter’s disclosure. It is examiner’s words. Menter does not have such words. The examiner can not use his words as the disclosure of a reference to do further extrapolation to reject the present application

The fact is that the cuts of Menter’s device do not define arms, and the material left between the cuts (which are called “arms” by the examiner) will not “allow the passage of the waste”, instead will prohibit the passage of the waste. This is exactly the problem of Menter’s device as the present applicant had explained on the page 2, Ins 17-20 of the present application.

1. The examiner’s rejection in the OA Section 5, page 4 is incorrect.

The examiner talked about using wax to create “a slippery surface”. As the applicant had already explained in the response to the OA dated on 2/22/2005, on section 5, page 5: “The issue of using wax to create a slippery surface is irrelevant to the present application”. The application of the present invention does not have any thing about “to create a slippery surface”. The applicant dose not understand how could the examiner use some thing irrelevant to this applicant as the reason of the rejection.